

**EMPLOYMENT DEVELOPMENT DEPARTMENT  
2019 RULEMAKING CALENDAR**

**SCHEDULE B: PROPOSED REGULATIONS IMPLEMENTING STATUTES ENACTED PRIOR TO THE YEAR 2018**

Subject:  <b>Conflict of Interest – The Department has undergone organizational changes. As a result of these changes, the Conflict of Interest Code does not accurately identify the Department’s employee positions or classifications required to file financial disclosure statements pursuant to Government Code Sections 87100-87102. The amendment to the regulation will satisfy the requirements placed on the Department under the Political Reform Act which requires the Department to amend its Conflict of Interest Code when necessary due to changed circumstances.</b>		CCR Title & Sections Affected:  <b>Title 22, CCR, Section 311-1</b>		Statute(s) Being Implemented:  <b>Government Code, Sections 87300 and 87306</b>	
Responsible Agency Unit:  <b>Legal Office</b>	Contact Person & Phone Number:  <b>Stella Ulm (916) 654-8410</b>	Projected Dates:			
		Notice Published: <b>11/18</b>	Public Hearing: <b>12/18</b>	Adoption by your agency: <b>2/19</b>	To OAL for review: <b>2/19</b>
Report on the status of all uncompleted rulemaking described on previous calendars:  <b>This rulemaking item was reported in the Department’s 2018 calendar. Notice of Amendments to the Conflict of Interest Code was published on November 9, 2018. The Department is in the process of promulgating the amendments.</b>					

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2019 RULEMAKING CALENDAR**

**SCHEDULE B: PROPOSED REGULATIONS IMPLEMENTING STATUTES ENACTED PRIOR TO THE YEAR 2018**

<b>Subject:</b>  <b>Specific Application of Rules for Determinations of Individuals Excluded from Employment – Elected Officials</b>  <b>634.5(c)(1)-1. Elected Official</b>		<b>CCR Title &amp; Sections Affected:</b>  <b>Title 22, CCR, Section 634.5(c)(1)-1</b>		<b>Statute(s) Being Implemented:</b>  <b>Unemployment Insurance Code, Section 634.5</b>	
<b>Responsible Agency Unit:</b>  <b>Tax Branch, Field Audit &amp; Compliance Division</b>	<b>Contact Person &amp; Phone Number:</b>  <b>James Mendoza (209) 726-5451</b>	<b>Projected Dates:</b>			
		<small>Notice Published:</small> <b>4/19</b>	<small>Public Hearing:</small> <b>5/19</b>	<small>Adoption by your agency:</small> <b>7/19</b>	<small>To OAL for review:</small> <b>7/19</b>
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**SCHEDULE B: PROPOSED REGULATIONS IMPLEMENTING STATUTES ENACTED PRIOR TO THE YEAR 2018**

Subject:  <b>Taxable Value of Meals and Lodging – 2012-2020</b> <b>Amend sections to establish formula for adjusting rates annually</b>  <b>926-3. Taxable Value of Board and Lodging</b> <b>926-4. Taxable Value of Meals and Quarters Furnished Officers and Crewmen Aboard Vessels</b> <b>926-5. Taxable Value of Meals and Quarters Received by Fishermen Aboard Fishing Vessels</b>		CCR Title & Sections Affected:  <b>Title 22, CCR, Sections 926-3, 926-4 and 926-5</b>		Statute(s) Being Implemented:  <b>Unemployment Insurance Code, Section 926</b>	
Responsible Agency Unit:  <b>Tax Branch, Field Audit &amp; Compliance Division</b>	Contact Person & Phone Number:  <b>James Mendoza (209) 726-5451</b>	Projected Dates:			
		Notice Published: <b>5/19</b>	Public Hearing: <b>6/19</b>	Adoption by your agency: <b>8/19</b>	To OAL for review: <b>8/19</b>
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**SCHEDULE B: PROPOSED REGULATIONS IMPLEMENTING STATUTES ENACTED PRIOR TO THE YEAR 2018**

Subject:  <b>Filing of Returns and Payment of Taxes</b>  <b>927-1. Tips as Wages</b> <b>929-1. Allowance for Traveling, Automobile, and Other Business Expenses</b> <b>931.5-1. Third Party Sick Pay</b> <b>1088-1. Filing of Reports, Returns, and Payroll Tax Deposits with Payment of Taxes—General</b> <b>1088-2. Reports and Returns Covering Seamen Employed Under Shipping Articles</b> <b>1088-3. Reports Covering Wages Due and Unpaid</b> <b>1114-1. Wage Item Penalty</b> <b>3267-1. Reports from Voluntary Plans</b>	CCR Title & Sections Affected:  <b>Title 22, CCR, Sections 927-1, 929-1, 931.5-1, 1088-1, 1088-2, 1088-3, 1114-1 and 3267-1</b>	Statute(s) Being Implemented:  <b>Unemployment Insurance Code, Sections 927, 929, 931.5, 1088, 1114 and 3267</b>							
Responsible Agency Unit:  <b>Tax Branch, Field Audit &amp; Compliance Division</b>	Contact Person & Phone Number:  <b>James Mendoza (209) 726-5451</b>	Projected Dates: <table border="1" style="width: 100%; border-collapse: collapse; margin-top: 5px;"> <tr> <td style="width: 16.6%; padding: 5px; text-align: center;">           Notice Published:  <b>4/19</b> </td> <td style="width: 16.6%; padding: 5px; text-align: center;">           Public Hearing:  <b>5/19</b> </td> <td style="width: 16.6%; padding: 5px; text-align: center;">           Adoption by your agency:  <b>7/19</b> </td> <td style="width: 16.6%; padding: 5px; text-align: center;">           To OAL for review:  <b>7/19</b> </td> </tr> </table>				Notice Published: <b>4/19</b>	Public Hearing: <b>5/19</b>	Adoption by your agency: <b>7/19</b>	To OAL for review: <b>7/19</b>
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**SCHEDULE B: PROPOSED REGULATIONS IMPLEMENTING STATUTES ENACTED PRIOR TO THE YEAR 2018**

Subject:  <b>Non-Relieving of Employer Charges</b>  <b>Add a new section to clarify when an employer's reserve account will not be relieved of charges due to a benefit overpayment when the employer, or an agent of the employer, was at fault for failing to respond timely or adequately to requests for information relating to an unemployment insurance claim.</b>		CCR Title & Sections Affected:  <b>Title 22, CCR, Section 1026-2 (new)</b>		Statute(s) Being Implemented:  <b>Unemployment Insurance Code, Section 1026.1</b>	
Responsible Agency Unit:  <b>Unemployment Insurance Branch</b>	Contact Person & Phone Number:  <b>Cathy Barratt (916) 654-7323</b>	Projected Dates:			
		Notice Published: <b>7/19</b>	Public Hearing: <b>8/19</b>	Adoption by your agency: <b>10/19</b>	To OAL for review: <b>10/19</b>
Report on the status of all uncompleted rulemaking described on previous calendars:  <b>This rulemaking item was reported in the Department's 2018 calendar. No rulemaking was commenced on this item due to other Unemployment Insurance Branch priorities and insufficient staff resources.</b>					

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**SCHEDULE B: PROPOSED REGULATIONS IMPLEMENTING STATUTES ENACTED PRIOR TO THE YEAR 2018**

Subject:  <b>Reporting a Newly Hired Employee</b>  <b>Amend current regulation section relating to the Federal Trade Adjustment Assistance Extension Act of 2011 (Public Law 112-40).</b>		CCR Title & Sections Affected:  <b>Title 22, CCR, Section 1088.5-1</b>	Statute(s) Being Implemented:  <b>Unemployment Insurance Code, Section 1088.5</b>										
Responsible Agency Unit:  <b>Tax Branch Field Audit &amp; Compliance Division</b>	Contact Person & Phone Number:  <b>James Mendoza (209) 726-5451</b>	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th colspan="4" style="text-align: center; padding: 5px;">Projected Dates:</th> </tr> <tr> <td style="width: 16.6%; padding: 5px; text-align: center;">           Notice Published:  <b>4/19</b> </td> <td style="width: 16.6%; padding: 5px; text-align: center;">           Public Hearing:  <b>5/19</b> </td> <td style="width: 16.6%; padding: 5px; text-align: center;">           Adoption by your agency:  <b>7/19</b> </td> <td style="width: 16.6%; padding: 5px; text-align: center;">           To OAL for review:  <b>7/19</b> </td> </tr> </table>				Projected Dates:				Notice Published: <b>4/19</b>	Public Hearing: <b>5/19</b>	Adoption by your agency: <b>7/19</b>	To OAL for review: <b>7/19</b>
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**SCHEDULE B: PROPOSED REGULATIONS IMPLEMENTING STATUTES ENACTED PRIOR TO THE YEAR 2018**

Subject:  <b>Certification for Benefits</b>  <b>Amend sections to include Unemployment Insurance benefit certification by telephone and Internet, and all related procedures, including the use of “digital” signatures.</b>		CCR Title & Sections Affected:  <b>Title 22, CCR, Sections 1251-1, 1279.5-1, 1279.5-2, 1279.5-5, 1279.5-6, 1326-1, 1326-4, 1326-5, 1326-6, 1326-7, 1326-8 and 1341-1</b>	Statute(s) Being Implemented:  <b>Unemployment Insurance Code, Section 1326</b>					
Responsible Agency Unit:  <b>Unemployment Insurance Branch</b>	Contact Person & Phone Number:  <b>Cathy Barratt (916) 654-7323</b>	Projected Dates: <table border="1" style="width: 100%; border-collapse: collapse; margin-top: 5px;"> <tr> <td style="width: 15%; padding: 2px;">           Notice Published:  <b>7/19</b> </td> <td style="width: 15%; padding: 2px;">           Public Hearing:  <b>8/19</b> </td> <td style="width: 20%; padding: 2px;">           Adoption by your agency:  <b>10/19</b> </td> <td style="width: 20%; padding: 2px;">           To OAL for review:  <b>10/19</b> </td> </tr> </table>			Notice Published: <b>7/19</b>	Public Hearing: <b>8/19</b>	Adoption by your agency: <b>10/19</b>	To OAL for review: <b>10/19</b>
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**SCHEDULE B: PROPOSED REGULATIONS IMPLEMENTING STATUTES ENACTED PRIOR TO THE YEAR 2018**

<p>Subject:</p> <p><b>Section 1326, Electronic Benefit Payments</b></p> <p><b>Amend these sections to: (1) change the definitions of “benefits,” “received,” and “payment,” (2) change the references from mailing a benefit check to the claimant or being paid a benefit to authorizing payment to the claimant, and (3) add a new section to prescribe how benefits will be paid. These changes allow for the electronic benefit payments whereby: (1) claimants receive benefits via debit card deposits and (2) the payment authorization constitutes payment or receipt of benefits for the purposes of establishing an overpayment or meeting claim cancellation criteria.</b></p>	<p>CCR Title &amp; Sections Affected:</p> <p><b>Title 22, CCR, Sections 1251-1, 1326 – 1(b)(2), 1326-1(b)(3), 1326-6(b), 1339 (new), 1375-1(a), 1375-1(a)(2), 1375-1(c) and 1375-1(c)(3) Examples 1, 4 &amp; 5</b></p>	<p>Statute(s) Being Implemented:</p> <p><b>Unemployment Insurance Code, Section 1339</b></p>								
<p>Responsible Agency Unit:</p> <p><b>Unemployment Insurance Branch</b></p>	<p>Contact Person &amp; Phone Number:</p> <p><b>Cathy Barratt (916) 654-7323</b></p>	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th colspan="4" style="text-align: center; padding: 5px;">Projected Dates:</th> </tr> <tr> <td style="width: 15%; padding: 5px; text-align: center;"> <p>Notice Published:</p> <p><b>7/19</b></p> </td> <td style="width: 15%; padding: 5px; text-align: center;"> <p>Public Hearing:</p> <p><b>8/19</b></p> </td> <td style="width: 20%; padding: 5px; text-align: center;"> <p>Adoption by your agency:</p> <p><b>10/19</b></p> </td> <td style="width: 20%; padding: 5px; text-align: center;"> <p>To OAL for review:</p> <p><b>10/19</b></p> </td> </tr> </table>	Projected Dates:				<p>Notice Published:</p> <p><b>7/19</b></p>	<p>Public Hearing:</p> <p><b>8/19</b></p>	<p>Adoption by your agency:</p> <p><b>10/19</b></p>	<p>To OAL for review:</p> <p><b>10/19</b></p>
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**SCHEDULE B: PROPOSED REGULATIONS IMPLEMENTING STATUTES ENACTED PRIOR TO THE YEAR 2018**

Subject:  <b>Registration for Work</b>  <b>Make non-substantive changes to clarify the Employment Development Department's (EDD) current policy regarding which claimants are required to register for work in CalJOBS<sup>SM</sup> and that not all claimants who do not register for work in CalJOBS<sup>SM</sup> will be required to report in-person pursuant to Title 22, CCR, Section 1253(b)-1(c).</b>		CCR Title & Sections Affected:  <b>Title 22, CCR, Section 1253(b)-1</b>		Statute(s) Being Implemented:  <b>Unemployment Insurance Code, Section 1253(b)</b>	
Responsible Agency Unit:  <b>Unemployment Insurance Branch</b>	Contact Person & Phone Number:  <b>Cathy Barratt (916) 654-7323</b>	Projected Dates:			
		Notice Published: <b>7/19</b>	Public Hearing: <b>8/19</b>	Adoption by your agency: <b>10/19</b>	To OAL for review: <b>10/19</b>
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**SCHEDULE B: PROPOSED REGULATIONS IMPLEMENTING STATUTES ENACTED PRIOR TO THE YEAR 2018**

Subject:  <b>Week of Unemployment</b>  <b>Amend this section to remove the requirement to report in person to an employment office and to replace it with adhering to UI reporting instructions as required by the UI program to qualify for a week of unemployment. Also, amend this section to include the acceptance of a UI application between 12:01 a.m. Sunday morning through 12 midnight of the subsequent Saturday.</b>		CCR Title & Sections Affected:  <b>Title 22, CCR, Section 1253-2</b>		Statute(s) Being Implemented:  <b>Unemployment Insurance Code, Section 1253</b>	
Responsible Agency Unit:  <b>Unemployment Insurance Branch</b>	Contact Person & Phone Number:  <b>Cathy Barratt (916) 654-7323</b>	Projected Dates:			
		Notice Published: <b>7/19</b>	Public Hearing: <b>8/19</b>	Adoption by your agency: <b>10/19</b>	To OAL for review: <b>10/19</b>
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**SCHEDULE B: PROPOSED REGULATIONS IMPLEMENTING STATUTES ENACTED PRIOR TO THE YEAR 2018**

Subject:  <b>Benefit Year</b>  <b>Add a new section to clarify the definition of a benefit year and to specify that individuals are allowed only one valid claim per 52-week period (i.e., one benefit year).</b>		CCR Title & Sections Affected:  <b>Title 22, CCR, Section 1276 (new)</b>		Statute(s) Being Implemented:  <b>Unemployment Insurance Code, Section 1276</b>	
Responsible Agency Unit:  <b>Unemployment Insurance Branch</b>	Contact Person & Phone Number:  <b>Cathy Barratt (916) 654-7323</b>	Projected Dates:			
		Notice Published: <b>7/19</b>	Public Hearing: <b>8/19</b>	Adoption by your agency: <b>10/19</b>	To OAL for review: <b>10/19</b>
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**SCHEDULE B: PROPOSED REGULATIONS IMPLEMENTING STATUTES ENACTED PRIOR TO THE YEAR 2018**

<b>Subject:</b>  <b>Work Sharing Unemployment Insurance Benefits (Assembly Bill 1392, Chapter 141, Statutes of 2013)</b>  <b>Add new regulations to clarify the provisions of Section 1279.5 of the California Unemployment Insurance Code pertaining to work sharing plans effective on or after July 1, 2014.</b>		<b>CCR Title &amp; Sections Affected:</b>  <b>Title 22, CCR, Section 1279.5-1</b>		<b>Statute(s) Being Implemented:</b>  <b>Unemployment Insurance Code, Section 1279.5</b>	
<b>Responsible Agency Unit:</b>  <b>Unemployment Insurance Branch</b>	<b>Contact Person &amp; Phone Number:</b>  <b>Cathy Barratt (916) 654-7323</b>	<b>Projected Dates:</b>			
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**SCHEDULE B: PROPOSED REGULATIONS IMPLEMENTING STATUTES ENACTED PRIOR TO THE YEAR 2018**

Subject:  <b>Claim Cancellation Criteria</b>  <b>Add new regulations to clarify Section 1329.1 of the California Unemployment Insurance Code regarding Unemployment Insurance claim cancellation criteria.</b>		CCR Title & Sections Affected:  <b>Title 22, CCR, Section 1329-1 (new)</b>		Statute(s) Being Implemented:  <b>Unemployment Insurance Code, Section 1329.1</b>	
Responsible Agency Unit:  <b>Unemployment Insurance Branch</b>	Contact Person & Phone Number:  <b>Cathy Barratt (916) 654-7323</b>	Projected Dates:			
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**SCHEDULE B: PROPOSED REGULATIONS IMPLEMENTING STATUTES ENACTED PRIOR TO THE YEAR 2018**

Subject:  <b>State Disability Insurance – Establish definitions for the terms “Date Disability Began” and “Claim Effective Date.” These definitions will eliminate ambiguity and clarify the use of each date when determining a claimant’s base period and benefit award.</b>		CCR Title & Sections Affected:  <b>Title 22, CCR, Section 2655(d)-1</b>		Statute(s) Being Implemented:  <b>Unemployment Insurance Code, Section 2655</b>	
Responsible Agency Unit:  <b>Disability Insurance Branch</b>	Contact Person & Phone Number:  <b>Rachel Mendoza (916) 654-7990</b>	Projected Dates:			
		Notice Published: <b>7/19</b>	Public Hearing: <b>8/19</b>	Adoption by your agency: <b>10/19</b>	To OAL for review: <b>10/19</b>
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**SCHEDULE B: PROPOSED REGULATIONS IMPLEMENTING STATUTES ENACTED PRIOR TO THE YEAR 2018**

Subject:  <b>State Disability Insurance (SDI) – Establish criteria for determining timeliness of a SDI benefit payment pending an appeal when the envelope with a postmark date is not retained. Clarify that the postmark date is established by counting back five business days from the receipt date.</b>		CCR Title & Sections Affected:  <b>Title 22, CCR, Sections 2706-5 and 2706-7</b>		Statute(s) Being Implemented:  <b>Unemployment Insurance Code, Section 2706</b>	
Responsible Agency Unit:  <b>Disability Insurance Branch</b>	Contact Person & Phone Number:  <b>Rachel Mendoza (916) 654-7990</b>	Projected Dates:			
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**SCHEDULE B: PROPOSED REGULATIONS IMPLEMENTING STATUTES ENACTED PRIOR TO THE YEAR 2018**

<b>Subject:</b>  <b>Withholding Exemption Certificates</b>  <b>Amend current regulation section due to an incorrect cross-referenced Title 26 CFR Section and to change the EDD Form Reference Number</b>		<b>CCR Title &amp; Sections Affected:</b>  <b>Title 22, CCR, Section 4340-1</b>		<b>Statute(s) Being Implemented:</b>  <b>Unemployment Insurance Code, Section 13040</b>	
<b>Responsible Agency Unit:</b>  <b>Tax Branch</b> <b>Field Audit &amp; Compliance Division</b>	<b>Contact Person &amp; Phone Number:</b>  <b>James Mendoza (209) 726-5451</b>	<b>Projected Dates:</b>			
		<b>Notice Published:</b> <b>4/19</b>	<b>Public Hearing:</b> <b>5/19</b>	<b>Adoption by your agency:</b> <b>7/19</b>	<b>To OAL for review:</b> <b>7/19</b>
<p>Report on the status of all uncompleted rulemaking described on previous calendars:</p> <p><b>This rulemaking item was reported in the Department's 2018 calendar. This is a change without regulatory effect pursuant to Title 1, California Code of Regulations, Section 100, and amends subdivisions (b) and (c) of Section 4340-1.</b></p>					